

86th Legislative Session – 2011

Committee: Senate Commerce and Energy

Tuesday, February 01, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Buhl
P Johnston
P Lederman
P Rave
P Nygaard, Vice-Chair
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Senator Tom Nelson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 27, 2011

Moved by: Adelstein
Second by: Rave
Action: Prevailed by voice vote.

MOTION: TO INTRODUCE AT THE REQUEST OF THE GOVERNOR AN ACT TO REVISE THE STATE WORKER'S COMPENSATION ADVISORY COUNCIL

Moved by: Johnston
Second by: Lederman
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

MOTION: TO INTRODUCE ON BEHALF OF THE COMMERCE AND ENERGY COMMITTEE AN ACT TO RESTRICT THE APPLICATIONS OF CERTAIN FOREIGN LAWS, LEGAL CODES, AND SYSTEM WITH THE RESPECT TO

STATE LEGAL PROCEEDINGS

Moved by: Lederman
Second by: Nygaard
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

SB 103: revise certain provisions concerning special alcoholic beverage licenses issued in conjunction with special events.

THE CHAIR DEFERRED SB 103 UNTIL THURSDAY, FEBRUARY 3, 2011

SB 43: revise certain health insurance standards for patient protection.

Presented by: Randy Moses, Division of Insurance

See minutes of Thursday, January 27th

MOTION: AMEND SB 43

43ja

On page 1 of the printed bill, remove the overstrikes from lines 8 to 15, inclusive.

On page 2, remove the overstrikes from lines 1 and 2.

On page 2, between lines 2 and 3, insert:

"

The provisions of this section apply only to grandfathered plans pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147."

On page 5, line 19, delete "No" and insert "Except for plans grandfathered pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147, no".

On page 6, remove the overstrikes from lines 2 to 12, inclusive.

On page 6, between lines 12 and 13, insert:

"

The provisions of this section apply only to grandfathered plans pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147."

On page 7, remove the overstrikes from lines 9 to 18, inclusive.

On page 7, between lines 18 and 19, insert:

"

The provisions of this section apply only to grandfathered plans pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147."

On page 9, remove the overstrikes from lines 19 to 24, inclusive.

On page 10, remove the overstrikes from lines 1 to 5, inclusive.

On page 10, between lines 5 and 6, insert:

"

The provisions of this section apply only to grandfathered plans pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147."

On page 10, remove the overstrikes from lines 10 to 19, inclusive.

On page 10, after line 19, insert:

"

The provisions of this section apply only to grandfathered plans pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147."

Section 13. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as follows:

Each policy of health insurance that covers a female and that is delivered, issued for delivery, or renewed in this state, except for a policy that provides coverage for specified disease or other limited benefit coverage, shall provide coverage for screening for the presence of occult breast cancer.

The provisions of this section apply only to plans that are not grandfathered pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147.

Section 14. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as follows:

Each service or indemnity-type contract issued by a nonprofit medical and surgical service plan corporation that covers a female and that is delivered, issued for delivery, or renewed in this state, except for a contract that provides coverage for specified disease or other limited benefit coverage, shall provide coverage for screening for the presence of occult breast cancer.

The provisions of this section apply only to plans that are not grandfathered pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147.

Section 15. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as follows:

Each group health insurance policy that covers a female and that is delivered, issued for delivery, or renewed in this state, except for a policy that provides coverage for specified disease or other limited benefit coverage, shall provide coverage for screening for the presence of occult breast cancer.

The provisions of this section apply only to plans that are not grandfathered pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147.

Section 16. That chapter 58-40 be amended by adding thereto a NEW SECTION to read as follows:

Each service or indemnity-type contract issued by a nonprofit hospital service plan corporation that covers a female and that is delivered, issued for delivery, or renewed in this state, except for a contract that provides coverage for specified disease or other limited benefit coverage, shall provide coverage for screening for the presence of occult breast cancer.

The provisions of this section apply only to plans that are not grandfathered pursuant to 75 Fed. Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147.

Section 17. That chapter 58-41 be amended by adding thereto a NEW SECTION to read as follows:

Each health maintenance contract that covers a female and that is delivered, issued for delivery, or renewed in this state, except for a contract that provides coverage for specified disease or other limited benefit coverage, shall provide coverage for screening for the presence of occult breast cancer.

The provisions of this section apply only to plans that are not grandfathered pursuant to 75 Fed.

Reg. 116 (2010) to be codified at 26 C.F.R. §§ 54 and 602, 29 C.F.R. § 2590, and 45 C.F.R. § 147.

Section 18. That chapter 58-18B be amended by adding thereto a NEW SECTION to read as follows:

No small employer carrier may increase its small employer base rates unless the small employer carrier has filed the base rate increase with the director for review at least thirty days prior to the implementation of the rate increase. The base rates are deemed approved at the expiration of thirty days after the filing thereof unless disapproved by the director within thirty days after the date of filing. The filing of the base rate increase shall include documentation sufficient to actuarially justify the increase and a history of the earned premiums and incurred claims on the policy forms applicable to the rate increase. The base rates shall be reasonable in relation to the benefits."

Moved by: Rave
Second by: Johnston
Action: Prevailed by voice vote.

MOTION: DO PASS SB 43 AS AMENDED

Moved by: Adelstein
Second by: Rave
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Lederman

SB 100: repeal certain provisions regarding unemployment insurance benefit eligibility of workers attending approved training.

Presented by: Senator Al Novstrup
Proponents: Lindsey Riter-Rapp, National Federation of Independent Business
Shawn Lyons, SD Retailers Association
Michele Brich, SD Innkeepers Association
Opponents: David Owen, SD Chamber of Commerce & Industry
Deb Mortenson, Associated General Contractors of SD, Incorporated.
Greg Boris, South Dakota Voices for Children
Mark Anderson, State Federation of Labor AFL-CIO, SD
Joe Kraljic, Brotherhood of Maintenance of Way
Paul Aylward, SD AFSCME 59 Dakotas Public Employees Union

MOTION: DEFER SB 100 TO THE 41ST LEGISLATIVE DAY

Moved by: Nygaard
Second by: Buhl
Action: Prevailed by roll call vote. (4-2-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Nygaard

Voting No: Rave, Nelson (Tom)

Excused: Lederman

SB 64: provide that interest paid on negative balances in employers' experience rating accounts be credited to their experience rating accounts.

Presented by: Senator Deb Peters (Handout: #1)

The gavel was turned over to Vice-Chair, Nygaard

Proponents: Deb Mortenson, Associated General Contractors of SD, Incorporated.
David Owen, SD Chamber of Commerce & Industry

The gavel was returned to the chair

MOTION: DO PASS SB 64

Moved by: Nygaard
Second by: Adelstein
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Lederman

MOTION: PLACE SB 64 ON CONSENT CALENDAR

Moved by: Adelstein
Second by: Johnston
Action: Prevailed by voice vote.

SB 70: prohibit the creation of private transfer fee obligations and to require certain procedures for notice and disclosure for existing private transfer fee obligations.

See minutes of Thursday, January 27th

MOTION: AMEND SB 70

70ja

On page 4 of the printed bill, delete lines 7 to 24, inclusive.

On page 5, delete line 1.

On page 5, line 17, delete "prohibits".

On page 5, delete line 18.

On page 5, line 20, delete "7 to 12" and insert "5 to 10".

On page 7, line 3, delete "7" and insert "5".

On page 7, line 13, delete "11" and insert "9".

On page 7, line 20, delete "12" and insert "10".

On page 7, line 22, delete "10" and insert "8".

On page 8, line 8, delete "11" and insert "9".

Moved by: Adelstein

Second by: Lederman

Action: Failed by voice vote.

MOTION: DO PASS SB 70 AS AMENDED

Moved by: Johnston

Second by: Nygaard

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Lederman

MOTION: ADJOURN

Moved by: Johnston
Second by: Nygaard
Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Tom Nelson, Chair